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7 United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

FRANK JONATHAN GUZMAN, and
JOSE CRUZ IVAN AISPURO,

Defendants.

CASE NO. 2:19-cr-00232-JAM

**STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER**

DATE: May 9, 2023

TIME: 9:00 a.m.

COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on May 9, 2023.

2. By this stipulation, the parties request to continue the status conference to **June 27, 2023**,

at 09:00 a.m., and to exclude time between May 9, 2023, and June 27, 2023, under 18 U.S.C.

§ 3161(h)(7)(A), B(iv) [Local Code T4].

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case

includes approximately 928 pages of investigative reports, photographs, and other documents, as

1 well as multiple video and audio recordings. All of this discovery has been either produced
2 directly to counsel and/or made available for inspection and copying.

3 b) On February 9, 2023, the Court signed an order substituting Attorney John R.
4 Manning as counsel of record for defendant Frank Guzman in place of prior defense counsel
5 Kelly Babineau.

6 c) Counsel for defendants need additional time to review the discovery, meet with
7 their clients to assess the discovery, conduct necessary investigation, conduct legal research into
8 trial issues and sentencing issues, discuss potential resolutions with their clients, and otherwise
9 prepare for trial.

10 d) Counsel for defendants believe that failure to grant the above-requested
11 continuance would deny them the reasonable time necessary for effective preparation, taking into
12 account the exercise of due diligence.

13 e) The government does not object to the continuance.

14 f) Based on the above-stated findings, the ends of justice served by continuing the
15 case as requested outweigh the interest of the public and the defendant in a trial within the
16 original date prescribed by the Speedy Trial Act.

17 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
18 et seq., within which trial must commence, the time period of May 9, 2023, to June 27, 2023,
19 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] on
20 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
21 best interest of the public and the defendant in a speedy trial.

22 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
24 must commence.

25 IT IS SO STIPULATED.

1 Dated: April 26, 2023

PHILLIP A. TALBERT
United States Attorney

5 Dated: April 26, 2023

6 /s/ DAVID W. SPENCER
7 DAVID W. SPENCER
8 Assistant United States Attorney

9 Dated: April 26, 2023

10 /s/ John R. Manning
11 John R. Manning
12 Counsel for Defendant
13 FRANK JONATHAN
14 GUZMAN

15 Dated: April 26, 2023

16 /s/ David W. Dratman
17 David W. Dratman
18 Counsel for Defendant
19 JOSE CRUZ IVAN AISPURO

13 **FINDINGS AND ORDER**

14 IT IS SO FOUND AND ORDERED.

16 Dated: April 27, 2023

17 /s/ John A. Mendez
18 THE HONORABLE JOHN A. MENDEZ
19 SENIOR UNITED STATES DISTRICT JUDGE